IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CRIMINAL MISC. PETITION NO.766/2000

Sohan Singh **Versus** State & Anr.

DATE OF ORDER :: 20/09/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. D.G. Chaturvedi, for petitioner
Mr. Arun Sharma, Public Prosecutor for State

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Instant petition has been filed by petitioner assailing the dated 9th May, 2000 whereby the Court of Revision while accepting the revision petition preferred by non-petitioner No.2, set aside the order of learned trial Judge taking cognizance against him u/ss.342, 467 & 500 IPC.

Brief facts giving rise to present controversy are that petitioner herein filed a complaint against accused-non-petitioner No.2 in the Court of Chief Judicial Magistrate, Bharatpur for offence u/ss.120-B, 342, 167, 500, 330 & 447 IPC in which it was alleged by him that there was a khatedari land belonging to him bearing Khasra No.2443 area 511/852 situated in Chak No.3, Bharatpur and certain residential plots were sold by him. The accused-non-petitioner No.2 also desired certain plots which were already transferred by petitioner. It appears that there was some dispute with regard to plot agreed by

petitioner. Non-petitioner impressed upon him to give certain other plots and it was not agreed to him, hence by using his official authority, non-petitioner got him arrested under Section 151 Cr.P.C. It was also alleged in the complaint that a false FIR was got registered u/ss.452 & 323 IPC through one Shri Natthi S/o Mohan Lal against him and his son, but after regular trial, they were acquitted by the court of competent jurisdiction. On receipt of complaint, learned Magistrate recorded their statements u/ss.200 & 202 Cr.P.C. and taking note thereof, took cognizance against non-petitioner No.2 and one Hari Kishan u/ss.342, 447 & 500 IPC. Being aggrieved by the said order, present non-petitioner No.2 filed revision petition before the Court of Revision. After taking into consideration the complaint and so also the statements recorded u/ss.200 & 202 Cr.P.C. learned Court of Revision finally accepted the revision petition and set aside the order taking cognizance against them vide order dated 9th May, 2000.

This Court has considered the submission and also perused the order impugned. The Court of Revision has prima facie examined the complaint and so also the statements recorded u/ss.200 & 202 Cr.P.C. and finally observed that very cognizance taking against non-petitioner of offence u/ss.342, 467 & 500 IPC is not made out.

This Court has also gone through the order impugned and finds that learned trial Judge has prima facie examined the material while quashing the order taking cognizance and this Court does not find any error which may call for interference.

Consequently, misc. petition fails and is hereby dismissed. Record be sent back to the trial court.

[AJAY RASTOGI],J.